

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

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Thomas David Mason,

Plaintiff,

v.

AT&T, Inc.,

Defendant.

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Civil Action No.: 5 : 22-cv-359

**COMPLAINT**

For this Complaint, Plaintiff, Thomas David Mason, by undersigned counsel,  
states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Electronic Fund Transfer Act, 15 U.S.C. § 1693 *et seq.* ("EFTA").

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. Plaintiff, Thomas David Mason ("Plaintiff"), is an adult individual residing in St. Simons, Georgia, and is a "consumer" as the term is defined by 15 U.S.C. § 1693a(6).

4. Defendant AT&T, Inc. ("AT&T"), is a Texas business entity with an address of 1010 North St. Mary's Street, C/O Room 9-002, San Antonio, Texas 78215.

**FACTS**

5. On or about June 8, 2021, Plaintiff called AT&T to cancel his phone service.

6. AT&T informed Plaintiff he would need to pay off the remaining balance for the lease on his cellular device in order to cancel his service.

7. Plaintiff paid the remaining balance of \$199.99 to AT&T. The funds cleared Plaintiff's bank account on June 9, 2021.

8. AT&T confirmed that Plaintiff's service would be terminated on June 30, 2021.

9. Thereafter, despite knowing that it lacked consent to do so, AT&T continued to withdraw funds from Plaintiff's bank account each month thereafter.

10. AT&T's false and misleading collection tactics and unauthorized withdrawals caused Plaintiff significant inconvenience and financial hardship.

**A. Plaintiff Suffered Actual Damages**

11. Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants' unlawful conduct.

12. As a direct consequence of the Defendants' acts, practices and conduct, Plaintiff suffered and continues to suffer from anger, anxiety, emotional distress, fear and frustration.

**COUNT I**  
**VIOLATIONS OF THE ELECTRONIC FUND TRANSFER ACT,**  
**15 U.S.C. § 1693 et seq.**

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. Plaintiff maintained an "account" as that term is defined in 15 U.S.C. § 1693a(2).

15. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1693a(6).

16. Defendant violated 15 U.S.C. § 1693a(12), which prohibits "unauthorized electronic fund transfer," by debiting Plaintiff's bank account without Plaintiff's actual authorization and without providing Plaintiff any benefit.

17. Defendant violated 15 U.S.C. § 1693e(b) in that Defendant failed to provide reasonable advance notice to Plaintiff of the amount to be transferred that varies in amount from the previous preauthorized transfer, and the scheduled date of the transfer.

18. The foregoing acts and omissions of the Defendant constitutes numerous and multiple violations of the EFTA, including every one of the above-cited provisions.

19. Plaintiff is entitled to damages as a result of Defendant's violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1693m(a)(1) against the Defendant;
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1693m(a)(2)(A) against the Defendant;
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1693m(a)(3) against the Defendant;
4. Punitive damages; and
5. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: April 14, 2022

Respectfully submitted,

By /s/ Sergei Lemberg

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